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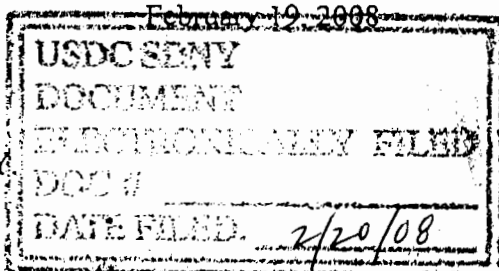
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MEMO ENDORSED

Hon. Kevin N. Fox
U.S. Magistrate Judge
U.S. District Court, Southern District N.Y.
40 Centre Street, Room 540
New York, NY 10007



FEB 9 2008
2008
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Re: *DB Structured Products, Inc. v. BayRock Mortgage Corp.*, No. 07 CV 4126 (DLC) (KNF);
Scheduled Mediation date: February 20, 2008

Dear Judge Fox:

With the consent of counsel for plaintiff DB Structured Products, Inc., I respectfully request at least a two week adjournment of the above-referenced settlement conference for two reasons. First, on February 20, 2008, I am actually engaged before Justice Demarest in Supreme Court, Kings County in the case of *Fentin v. Carillo*, an appearance which was scheduled before Your Honor set the date of the conference in this matter.

Second, the parties have worked towards a resolution of this matter; a final draft of a settlement agreement is being circulated today; and we expect to be able to report to Your Honor in the coming days that a settlement has been executed. Given that a settlement is so near, we believe that a conference at this point would merely waste judicial time.

Please contact me if there are any questions.

2/20/08

Respectfully,

The parties shall, on or before February 29, 2008, submit to the Court a copy of their fully executed stipulation of discontinuance and order of dismissal or shall appear for a settlement conference on March 3, 2008, at 11:30 a.m.
cc: Chris Lynch, Esq.

Ezio Scaldaferrri

A handwritten signature in black ink, appearing to read "Ezio Scaldaferrri".